

In the Matter of Merchants Mariner's Document No. Z-96137-D2
Issued to: LEO WORCESTER

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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LEO WORCHESTER

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.11-1.

By order dated 21 January 1959, an Examiner of the United States Coast Guard at Seattle, Washington, revoked Appellant's document upon finding him guilty of misconduct. The two specifications found proved allege that while serving as a wiper on board the United States SS WANG BUCCANEER under authority of the document above described, Appellant wrongfully failed to perform his assigned duties on nine dates in October and November 1958; Appellant was wrongfully under influence of intoxicants on these dates.

At the hearing, Appellant was represented by nonprofessional counsel of his own choice. He entered a plea of guilty to the charge and each specification.

In mitigation, counsel stated that this had been a long voyage and Appellant managed to stay out of trouble for the first six months.

At the end of the hearing, the Examiner rendered the decision in which he concluded that the charge and two specifications had been proved by plea. He then entered the order revoking Appellant's document.

OPINION

On appeal, Appellant states that he now recognizes his problem of excessive use of alcoholic beverages but claims that he will serve faithfully as a good seaman and never taken another drink if he is given one more chance to demonstrate that he has overcome his problem. It is respectfully requested that Appellant be issued a probationary document to prove himself.

Appellant has been given several previous chances. His disciplinary record includes numerous offenses of failure to join and failure to perform assigned duties during the past six years. Both in 1957 and 1958, Appellant made similar promises on appeal after receiving outright suspensions of six months on each occasion. The examiners' orders were affirmed with the warning

that they were considered to be lenient in view of Appellant's prior record. Commandant's Appeal Decisions Nos. 951 and 1061.

Under these circumstances, Appellant's present plea must be denied. His only recourse is to apply for a new document in the future under the applicable regulations in Title 46 Code of Federal Regulations, Part 137, after he has established himself as a responsible person ashore. The United States Merchant Marine Service is not to be used for rehabilitation purposes at the risk of endangering the safety of many other merchant seamen. On the nine different dates when Appellant failed to perform his duties as a wiper due to intoxication, there was an element of danger present because the ship was not properly manned with a competent crew in all respects. There is no reasonable assurance that this would not happen again.

ORDER

The order of the Examiner dated at Seattle, Washington, on 21 January 1959, is AFFIRMED.

A. C. Richmond
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 2nd day of October 1959.